

Exhibit B

1 IN THE UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3
4 GRETCHEN S. STUART, M.D., et al.,)
5 Plaintiffs,) Case No. 1:11CV804
6 vs.)
7 JANICE E. HUFF, M.D., et al., ,)
8 Defendants.) Greensboro, NC
9) October 17, 2011
10) 10:01 a.m.
11)

12 TRANSCRIPT OF PRELIMINARY INJUNCTION HEARING

13 BEFORE THE HONORABLE CATHERINE C. EAGLES

14 UNITED STATES DISTRICT JUDGE

15 APPEARANCES:

16 For Plaintiffs: KATHERINE LEWIS PARKER
17 American Civil Liberties Union of
18 North Carolina
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22 BEBE J. ANDERSON
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34 N.C. Department of Justice
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38 Court Reporter: Joseph B. Armstrong, RMR, FCRR
39 324 W. Market, Room 101
40 Greensboro, NC 27401

1 have a screen in front of him, I presume, a monitor in which
2 he'll be seeing the ultrasound image. The patient, I
3 presume, will be laying on a table or sitting on a chair.
4 The physician could easily position a monitor at a 90-degree
5 angle to the right or left of the patient's head with the
6 patient facing this way so that the patient would have to
7 turn 90 degrees this way or that in order to see the
8 monitor.

9 Furthermore, Your Honor, the arrangement, as I
10 understand it, could be done in such a way that -- I don't
11 know whether anybody else in this courtroom is old enough to
12 remember this, but I'm certainly old enough to remember
13 attending a lot of depositions and going to a lot of trials
14 where the court reporter wore a mask. It's a dictation
15 mask, and the court reporter speaks into the dictation mask
16 in a normal tone of voice, and yet no one in the courtroom
17 or the deposition can hear what he or she is saying. The
18 deposition mask is connected electronically to some
19 recording device.

20 I presume that what would happen here, or at least
21 one option that could happen here, is that the dictation
22 mask into which the physician speaks as he or she is looking
23 at the sonogram monitoring screen would be connected to
24 earphones that the woman would wear that would have an
25 on/off switch so that the woman would be in complete control

1 of whether the information came to her or not.

2 So the State rejects the Plaintiffs' underlying
3 argument that this is information that's irresistible, that
4 is going to bombard the woman in a way that she can't avoid
5 it, she can't avoid hearing it, she can't avoid seeing.
6 That's, in our view, simply not so. The woman does have
7 every opportunity to simply decide do I want to receive this
8 or do I not?

9 Have I answered the Court's question?

10 THE COURT: So you're saying to comply with this
11 statute, the health care provider would need to buy this
12 special equipment?

13 MR. HICKS: I'm saying that is one way that a
14 health care provider could clearly comply with this statute
15 by simply acquiring the equipment that court reporters I
16 know used to routinely use and probably still do so that --

17 THE COURT: Okay.

18 MR. HICKS: I didn't mean to cut you off.

19 THE COURT: No, no, I was saying okay, yeah.

20 MR. HICKS: Your Honor, I'd also like to hand up
21 for the Court a copy of 10A NCAC 14E.0305. I have
22 additional copies. I think Ms. Anderson is already aware of
23 it. But just for the record and as an ease -- to be easy on
24 the Court, this is a copy of the administrative regulation
25 that goes back to 1976, I believe.

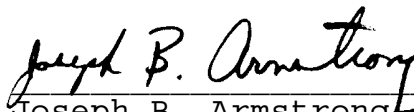
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2 C E R T I F I C A T E

3
4 I, JOSEPH B. ARMSTRONG, RMR, FCRR, United States
5 District Court Reporter for the Middle District of North
6 Carolina, DO HEREBY CERTIFY:

7 That the foregoing is a true and correct transcript of
8 the proceedings had in the within-entitled action; that I
9 reported the same in stenotype to the best of my ability;
10 and thereafter reduced same to typewriting through the use
11 of Computer-Aided Transcription.

12
13
14
15 Date: 10/31/11



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